

**Federal Defenders
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March 29, 2019

Via ECF

Honorable Paul A. Crotty
United States District Judge
Southern District of New York
United State Courthouse
500 Pearl Street, Courtroom 14C
New York, New York 10007

Re: *United States v. Joshua Adam Schulte, S2 17 Cr. 548 (PAC)*

Dear Judge Crotty:

We write on behalf of the parties to update the Court on scheduling and the potential severance of the charges in the S2 Superseding Indictment.

Government's Position

As the Court is aware, trial in this matter is currently set for April 8, 2019. (See Minute Entry for August 8, 2018 Conference). To afford the parties sufficient time to prepare the necessary pretrial motions, including suppression motions and motions pursuant to the Classified Information Procedures Act ("CIPA"), the parties respectfully request that the Court adjourn the trial until November 4, 2019. The parties are also discussing a potential agreement concerning severance, as well as the order of the potentially severed trials. The parties will update the Court on severance and a pretrial motion schedule at or before the conference scheduled for April 10, 2019.

Defense's Position

Defense counsel advises that a large part of the delay is the fault of the CIA. The defense is unable to work efficiently with Mr. Schulte because the CIA insists that all of his written communications with counsel—down to each comment or proposed edit to any

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work product— must be reviewed and cleared in advance by the “walled” CIA employee. And the walled CIA employee has yet to sign off on the Memorandum of Understanding and has delayed progress by insisting on continues edits to standard language used in MOUs. This has only delayed substantive work: on March 4, 2019, the defense gave the walled CIA individual a document for classification review. To date, there has been no response. Given this delay, the defense asks the Court to schedule a status conference and order that the CIA walled individual appear so that the delay could be addressed. Only then can the defense submit a motion schedule.

Agreed Upon Exclusion of Time

Should the Court grant the parties request to adjourn the trial until November 4, 2019, the parties also respectfully request that the Court exclude time under 18 U.S.C. § 3161(h)(7) until the rescheduled trial date. Excluding time will best serve the ends of justice and outweigh the interests of the public and the defendant in a speedy trial because it will allow the defendant to continue to review discovery and allow the parties to prepare the necessary pretrial motions.

Respectfully submitted,

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&

/s/Sidhardha Kamaraju / Matthew Laroche
Assistant United States Attorneys
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CC: Daniel Hartenstine, CISO
Joshua Schulte